



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खंड III]

शिमला, शनिवार, 5 मार्च, 1955

[संख्या 10

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भाग 1	वैधानिक नियमों को छोड़कर हिमाचल प्रदेश के उपराज्यपाल और जुडिशल कमिशनरज कोर्ट द्वारा अधिसूचनाएं इत्यादि								
भाग 2	वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और ज़िला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि								
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भाग 7	भारतीय निर्वाचन-आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं								
—	अनुपूरक								

सूचना

तारीख 5 मार्च, 1955 ई० को समाप्त होने वाले सप्ताह में निम्नलिखित “असाधारण राजपत्र, हिमाचल प्रदेश” प्रकाशित हुआ :—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. LR-I-119/54, dated 23-2-1955.	Law Department	The Himachal Pradesh Abolition of Big Landed Estates & Land Reforms Act, 1953 (Authorised Text)

भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के उपराज्यपाल और जुडिशल कमिशनरज कोर्ट द्वारा अधिसूचनाएं इत्यादि

HIMACHAL PRADESH GOVERNMENT
Animal Husbandry Department

OFFICE ORDER

Simla-4, the 26th February, 1955

Financial Rules, Vol. I, I hereby declare the Assistant Animal Husbandry Officer, Himachal Pradesh, at Simla, to be a Drawing and Disbursing Officer for head “41-Veterinary” for the entire Himachal Pradesh.

CHEM RAM,
Assistant Secretary.

No. Vety-104-105/54.—In exercise of the powers vested in me under para 3 of General

Forest Department**NOTIFICATIONS**

Simla-4, the 28th February, 1955

No. Ft-29-243/48.—The following transfers and postings are made in the interest of service:—

Sl. No.	Name	From	To	Date
1.	Shri Lokindra Singh, P.F.S.	D. F. O. Conservator of Forests, H.P. Sanjauli.	Conservator of Forests, H.P. Simla Circle, Simla in addition to his own duties as D.F.O. Simla Forest Division.	15-1-1955
2.	Shri Sant Ram P.F.S (I).	Conservator of Forests, H. P. Simla Circle, Nahan.	Conservator of Forests, Sir-mur Circle, Nahan.	25-1-55
3.	Shri D. D. Chopra, P.F.S.	Conservator of Forests, Sir-mur Circle, Nahan and Working Plan Officer, Nahan.	Working Plan Officer, Nahan.	25-1-55

Simla-4, the 28th February, 1955

No. Ft-45-109/54.—Shri Satya Vrat, P.F.S. (II), is appointed Working Plan Officer, Tharoach-Rawingarh Dhadi Working Plan in addition to his own duties as Divisional Forest Officer, Jubbal Forest Division, with effect from the 1st November, 1954.

Simla-4, the 2nd March 1955

No. Ft 29-233/48.—Shri Dewan Singh, P. F. S. (II), retired from service with effect from the 15th October, 1951 (afternoon).

**SHIV SINGH, P. C. S.,
Assistant Secretary (Forest).**

Industries Department**NOTIFICATIONS**

Simla-4, the 24th February, 1955

No. I&S-1-56/54.—In exercise of the powers conferred on him by sub-section (1) of Section 15 of the Payment of Wages Act, 1936, the

Lieutenant Governor, Himachal Pradesh, is pleased to appoint the District Magistrate, Sirmur, as the authority for the purposes of Section 15 of the aforesaid Act. He will have jurisdiction over the whole of the Sirmur District.

Simla-4, the 24th February 1955

No. I&S-4-8/54.—In exercise of the powers conferred by sub-section (1) of section 5 of the Indian Boilers Act, 1923 (V of 1923), the Lieutenant Governor, Himachal Pradesh, hereby appoints every Inspector of Boilers, in the State of Punjab (I) to be an Inspector of Boilers for the whole of State of Himachal Pradesh with effect from 1st April, 1955.

Simla 4, the 24th February, 1955

No. I&S-4-8/54.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Boilers Act, 1923 (V of 1923), the Lieutenant-Governor, Himachal Pradesh, hereby appoints the Chief Inspector of Boilers, Punjab (I) to be the Chief Inspector of Boilers, Himachal Pradesh, for the whole of the State of Himachal Pradesh with effect from 1st April, 1955.

By order,
MAHESH CHANDRA
Secretary.

Medical and Public Health Department**CORRIGENDUM**

Simla-4, the 28th February, 1955

No. M-1-108/54.—In lines 4 and 5 of paragraph 1 of Notification No. M 65-34/54, dated the 1st November, 1954, please substitute “Importer” for the word “imported” and “Manufacturer” for the word “manufacture”, “Derivative” for the word “derivative”, “Isonicotinic” for “Isonicotine”.

NOTIFICATION

Simla-4, the 28th February, 1955

No. M-1-108/54.—In pursuance of Rule 76 of Part VII of the Drugs Rules 1945, as amended from time to time, in the States of India as applied to Himachal Pradesh, the Lieutenant Governor is pleased to appoint the District Medical Officer, Mahasu, as Licensing Authority for the grant and renewal of licences to manufacture for sale drugs specified in scheduled “C” and “C (I)” of the said Rules, in the district of Mahasu.

By order,
PREM RAJ MAHAJAN,
Assistant Secretary.

Planning and Development Department

NOTIFICATION

Simla-4, the 28th February, 1955

No. D-108-14/54.—The Lieutenant Governor, Himachal Pradesh, is pleased to appoint Shri Sohan Lal to officiate as a Block Development Officer, Chachiot National Extension Service Block, against a temporary post in the scale of Rs. 200-10-270/10-350 with effect from the forenoon of 24th November, 1954.

By order,
M. CHANDRA,
Secretary.

Public Works Department

NOTIFICATIONS

Simla-4, the 28th February, 1955

No. PW-57-52/54-7090-94.—Shri S. R. Sen Gupta, Assistant Engineer, took over the charge of the office of the Sub-Divisional Officer, Chamba Sub-Division (B&R), Himachal Pradesh, P. W. D., Chamba, on 4-2-1955 (after-noon) on the reversion of Shri A. P. Jain, Assistant Engineer (Central) to Central P. W. D.

Simla-4, the 28th February, 1955

No. PW-12-9-12/53-7081-85.—Shri M. L. Nirula, Sub-Divisional Officer, Suket Sub-Division, Mandi Division, Himachal Pradesh, P. W. D., Sundernagar, is hereby granted 13 days' earned leave with effect from the 12th April, 1954 to 24th April 1954.

By order,
G. R. NANGEA,
Secretary.

Revenue Department

NOTIFICATIONS

Simla-4, the 24th February, 1955

No. R-81-113/49.—Shri Roop Singh Negi, Tehsildar, Rainka, is granted earned leave for 49 days with effect from the 29th April, 1954.

Simla-4, the 24th February, 1955

No. R-60-82/54.—WHEREAS it appears to the Lieutenant Governor, Himachal Pradesh, that the land is required to be taken by the Government at public expense for a public purpose, namely for the construction of Rampur

Giri Canal at (1) Devi Nagar (2) Bhuppur, it is hereby declared that the land described in the specification below is required for the above purpose.

2. This declaration is made under the provisions of Section 6 of the Land Acquisition Act, 1894, to all whom it may concern, and under the provisions of Section 7 of the said Act, the Collector, Sirmur, is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Sirmur.

SPECIFICATIONS

District: SIRMUR Tehsil: PAON RA

(1) *Village: DEVI NAGAR*

Khasra No.	Area	Bighas.
22/1	2-1-0	"
23/2	0-17-0	"
27/1	1-18-0	"
29/1	0-12 0	"
24/1	0-5-0	"
25/1	0-17-0	"
34/1	1-9-0	"
33/1	1-15-0	"
31/1	1-9-0	"
Total	11-3-0	"

(2) *Village: BHUPPUR*

Khasra No.	Area.	Bighas.
233/58/1	0-1-0	"
235/57/1	0-3 0	"
231/55/1	0-7-0	"
238/62/1	0-9-0	"
227/192/54/1	0-9-0	"
224/190/54/1	0-4-0	"
214/40/1	0-2-0	"
213/88/1	0-13-0	"
204/11/1	0-16-0	"
216/42/1	0-2-0	"
210/15/1	0-2-0	"
211/15/1	0-4-0	"
218/41/1	0-5-0	"
41/1	0-2-0	"
221/45/1	0-5-0	"
20/1	0-4-0	"
21/2/1	0-4-0	"
18/1	0-3-0	"
19/1	0-3-0	"
245/89/1	0-5-0	"
207/14/1	0-18-0	"
Total	6-1-0	"

Simla-4, the 25th February, 1955

No. R-86-359/53.—In exercise of the powers vested in him under Section 5 of the Punjab Land Revenue Act as applied to Himachal Pradesh, the Lieutenant Governor, Himachal Pradesh, is pleased to direct that Tatyana, Dogana and Jamna Patwar Circles of Rainka Tehsil should be amalgamated with Paonta Tehsil of Sirmur District for the purposes of general and revenue administration.

By order,

BASANT RAI,
Assistant Secretary.

Simla-4, the 28th February, 1955

No. R-1-13/55.—In exercise of the powers conferred on him by sub-section (2) of section 3 of the Himachal Pradesh Merged State (Application of Laws) Act, 1954 (No. XIV of 1954), the Lieut.-Governor, Himachal Pradesh, is pleased to appoint the first day of March, 1955 as the date from which the Court Fees (Himachal Pradesh Amendment) Act, 1952 and the Court Fees (Himachal Pradesh Amendment) Act, 1953 shall come into force in Bilaspur district.

By order,

MAHESH CHANDRA,
Chief Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और ज़िला मैजिस्ट्रेटों द्वारा अधिसूचनाएँ इत्यादि

Co-operative and Supplies Department

NOTIFICATION

Simla-4, the 24th February, 1955

No. CS-86-132/49.—The following postings and transfers are hereby ordered. These transfers will take effect from the 1st March, 1955.

Name 1	Description 2	From 3	To 4
1. Shri Khemi Ram Assistant Registrar, (Education)	Simla	Mandi. As D. C. S. O., Mandi, and will hold additional charge of D. C. S. O., Bilaspur.	
2. Shri Harbans Singh Negi. District Coop: and Supplies Officer, Maha-su.	Simla	Will hold additional charge of Asst: Registrar, Education.	
3. Shri Hira Lal Barotra.	D. C. S. O. Sirmur	Chamba	
4. Shri Prem Lal Chopra.	Asstt: Director of Pan-chayats	Simla	Headquar-ters shifted to Nahan and will hold additional

1	2	3	4
			charge of D. C. S. O., Sirmur..

Shri Prem Lal Chopra will leave first and relieve Shri Hira Lal Barotra.

By order,
V. S. SHARMA,
Deputy Registrar.

Office of the Deputy Commissioner, Sirmur

CORRIGENDUM

Nahan, the 28th February, 1955

No. 367-P-DC/55.—Corrigendum to Notification No. 727-P-DC/54, dated the 29th December, 1954 published in Himachal Pradesh Rajpatra dated the 15th January, 1955 at page 28.

- (1) Read the number of the Notification as 5127-P-DC/54.
- (2) Under the "Gram Sabhas of Tehsil Pachhad" at serial No. 7 after "Kothia" please add "Jajar" and at serial No. 19 for "Naina Dhar" please read "Naina Ghar".

C. L. KAPILA,
District Magistrate.

भाग 3—अधिनियम, विधेयक, और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के उपगज्यपाल, जुडिशल कमिशनरज कोर्ट, फाइनेन्शल कमिशनर, कमिशनर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि।

Office of the Commissioner of Income-tax, Punjab, Pepsu, Himachal Pradesh, Jammu and Kashmir

NOTIFICATION No. 22

Simla, the 24th Feburary 1955

No. G-339/II/20,3022.—1. Shri Sampuran

Singh, Income-tax Officer, Hoshiarpur, was granted 12 days' earned leave with effect from 9th November, 1954 to 20th November, 1954.

2. Shri Joginder Singh II, Income-tax Officer, "E" Ward, Amritsar, was appointed to hold additional charge as Income-tax

Officer, Hoshiarpur, during the absence on leave of Shri Sampuran Singh.

3. In supersession of this office No. P. F. 1123/8568, dated 4th September, 1954, Shri Raghbir Singh, Income-tax Officer "C" Ward, Ludhiana, was granted 4 months' leave on average pay from 20th September, 1954 to 19th January, 1955 under F.R. 81 with permission to affix 19th September, 1954 being Sunday. He was relieved by Shri Ranjit Singh on 18th September, 1954 (A. N.).
4. Shri S. N. Khosla, Income-tax Officer "F" Ward, Amritsar, was granted 27 days' earned leave with effect from 6th December 1954 with permission to affix 5th December, 1954 and 2nd January, 1955 being Sundays. He was relieved by Shri Joginder Singh (II) Income tax Officer "E" Ward, Amritsar, on 4th December, 1954 (A. N.).
5. Shri Joginder Singh, Income-tax Officer "E" Ward, Amritsar, was appointed to hold the additional charge as Income-tax Officer "F" Ward, Amritsar, during the absence of Shri S. N. Khosla.
6. On return from leave Shri Wazir Chand Nanda was re-posted as Appellate Assistant Commissioner of Income-tax, Patiala Range, Patiala, with effect from the 1st December, 1954 relieving Shri H. D. Bahl, Appellate Assistant Commissioner of Income-tax, Ambala, of the Additional charge.
7. Consequent upon the shifting of Income-tax Office, Salary Circle, Simla, Shri P. D. Randeva, Income-tax Officer, Salary Circle, Section I, Simla, was transferred with effect from 14th December, 1954 (F. N.) and was posted as Income-tax Officer, Salary Circle, Section I, Patiala, with effect from 22nd December, 1954 (F. N.).
8. Consequent upon the shifting of Income-tax Office, Salary Circle, Simla, Shri Hardutt Sharma, Income-tax Officer, Salary Circle, Section II, Simla, was transferred with effect from 15th December, 1954 (A. N.) and was posted as Income-tax Officer, Salary Circle, Section II, Patiala with effect from 21st December, 1954 (F. N.).
9. Shri Krishna Prasad, Income-tax Officer, Headquarters to Commissioner of Income-tax, Simla, was granted 18 days' earned leave with effect from 3rd January, 1955 to

20th January, 1955 with permission to affix 1st January, 1955 and 2nd January, 1955 being Sunday and gazetted holiday and relinquished charge on 31st December, 1954 (A. N.).

10. Shri Sangram Singh, Income-tax Officer, Special Ward, Simla, was appointed to hold additional charge of Income-tax Officer Headquarters and assumed as such on 3rd January, 1955 (F. N.).
11. On return from leave Shri Krishna Prasad was posted as Income-tax Officer Headquarters, with effect from 21st January 1955 (F. N.) relieving Shri Sangram Singh of the additional charge.
12. Shri M. S. Mongia, Income-tax Officer, "B" Ward, Sangrur, was granted 79 days' earned leave from 13th September, 1954 to 30th November, 1954.
13. Shri P. D. Randeva, Income-tax Officer, Salary Circle, Section I, Patiala, was granted 13 days' leave with effect from 7th January, 1955 to 19th January, 1955.
14. On return from leave Shri P. D. Randeva, Income-tax Officer, Salary Circle, Section I, Patiala, was posted as Income-tax Officer, "C" Ward, Juliundur, with effect from 20th January, 1955.
15. On transfer from Rajamundry Range, Shri K. Pattabhi Ramiah, Appellate Assistant Commissioner of Income-tax, was posted as Appellate Assistant Commissioner of Income-tax, Patiala, on 18th January, 1955 (F. N.) vice Shri W. C. Nanda transferred to Delhi charge.
16. After the expiry of leave, Shri Raghbir Singh, Income-tax Officer, was posted as Income tax Officer Salary Circle, Section II, Patiala with effect from 20th January, 1955 (F.N.) vice Shri Hardutt Sharma.
17. On relief by Shri Raghbir Singh, Shri Hardutt Sharma, Income-tax Officer, Section II, Patiala, was posted as Income-tax Officer, Section I, Patiala, with effect from 20th January, 1955 (F. N.).
18. Shri M. S. Mongia, Income-tax Officer (on leave) was granted an extension of 31 days' earned leave with effect from 1st December, 1954 to 31st December, 1954.

S. C. CHAUDHURI,
Commissioner of Income-tax.

भाग ४ — स्थानीय स्वायत्त शासन : म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटोफाइड और टाउन एरिया तथा पंचायत विभाग

शृङ्खला

भाग ५ — वैयक्तिक अधिसूचनाएँ और विज्ञापन

शृङ्खला

भाग ६—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

Law Department

— — — ORDER

Simla 4, the 1st February, 1955

No. LR-1-89/54. The Essential Commodities Ordinance, 1955 (No. 1 of 1955) which has been published in the Gazette of India, Extraordinary, Part II, section 1, dated the 21st January, 1955, is hereby republished in the Himachal Pradesh Gazette for information.

The Essential Commodities Ordinance, 1955

No. I of 1955

Promulgated by the President in the Fifth Year of the Republic of India

An Ordinance to provide, in the interests of the general public, for the control of the production, supply and distribution of, and trade and commerce in, certain commodities.

WHEREAS the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), which confers powers to control the production, supply and distribution of, and trade and commerce, in certain commodities, expires on the 26th day of January, 1955;

AND WHEREAS it is necessary, in the interests of the general public, to provide for the continuance of such powers in relation to some of the commodities specified in that Act and certain other commodities;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the constitution, the President is pleased to promulgate the following Ordinance:—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Essential Commodities Ordinance, 1955.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on the 26th day of January, 1955.

2. **Definitions.**—In this Ordinance, unless the context otherwise requires,—

(a) “essential commodity” means any of

the following classes of commodities:—

- (i) coal, including coke and other derivatives;
- (ii) component parts and accessories of automobiles;
- (iii) cotton and woollen textiles;
- (iv) iron and steel, including manufactured products of iron and steel;
- (v) paper, including newsprint, paper board and straw board;
- (vi) petroleum and petroleum products;
- (vii) salt;
- (viii) sugar;
- (ix) vanaspati;
- (x) vegetable oils;

and includes any other class of commodity which the Central Government may, by notified order, declare to be an essential commodity for the purposes of this Ordinance, being a commodity with respect to which Parliament has power to make laws by virtue of entry 33 in List III in the Seventh Schedule to the Constitution;

- (b) “notified order” means an order notified in the Official Gazette;
- (c) “State Government” in relation to a part ‘C’ State means the Lieutenant Governor or the Chief Commissioner, as the case may be.

3. **Powers to control production, supply, distribution, etc., of essential commodities.**—(1) If the Central Government is of opinion that it is necessary or expedient so to do for maintaining or increasing supplies of any essential commodity or for securing their equitable distribution and availability at fair prices, it may, by order, provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

- (a) for regulating by licences, permits or otherwise the production or manufacture of any essential commodity;
- (b) for controlling the prices at which any essential commodity may be bought or sold;
- (c) for regulating by licences, permits or otherwise the storage, transport, distribution, disposal, acquisition, use or consumption of any essential commodity;

- (d) for prohibiting the withholding from sale of any essential commodity ordinarily kept for sale;
- (e) for requiring any person holding in stock any essential commodity to sell the whole or a specified part of the stock to such person or class of persons and in such circumstances as may be specified in the order;
- (f) for regulating or prohibiting any class of commercial or financial transactions relating to cotton textiles which, in the opinion of the authority making the order are, or, if unregulated, are likely to be, detrimental to the public interest;
- (g) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;
- (h) for requiring persons engaged in the production, supply or distribution of, or trade and commerce in, any essential commodity to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order;
- (i) for any incidental and supplementary matters, including in particular the entering, and search of premises, vehicles, vessels and aircraft, the seizure by a person authorised to make such search of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

(3) Where any person sells any essential commodity in compliance with an order made with reference to clause (e) of subsection (2), there shall be paid to him the price therefor as hereinafter provided:

- (a) where the price can, consistently with the controlled price, if any, fixed under this section, be agreed upon, the agreed price;
- (b) where no such agreement can be reached, the price calculated with reference to the controlled price, if any;
- (c) where neither clause (a) nor clause (b) applies, the price calculated at the market rate prevailing in the locality at the date of sale.

(4) If the Central Government is of opinion that it is necessary so to do for maintaining or increasing the production and supply of an essential commodity, it may, by order, authorise

any person (hereinafter referred to as an authorised controller) to exercise, with respect to the whole or any part of any such undertaking engaged in the production and supply of the commodity as may be specified in the order such functions of control as may be provided therein and so long as such order is in force with respect to any undertaking or part thereof,—

(a) the authorised controller shall exercise his functions in accordance with any instructions given to him by the Central Government, so however that he shall not have any power to give any direction inconsistent with the provisions of any enactment or any instrument determining the functions of the persons in charge of the management of the undertaking except in so far as may be specifically provided by the order; and

(b) the undertaking or part shall be carried on in accordance with any directions given by the authorised controller under the provisions of the order, and any person having any functions of management in relation to the undertaking or part shall comply with any such directions.

(5) An order made under this section shall,—

- (a) in the case of an order of a general nature or affecting a class of persons, be notified in the Official Gazette; and
- (b) in the case of an order directed to a specified individual, be served on such individual—
 - (i) by delivering or tendering it to that individual, or
 - (ii) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that individual lives, and a written report thereof shall be prepared and witnessed by two persons living in the neighbourhood

4. Powers to control inter-State trade and commerce in certain other commodities—

(1) This section applies to wheat, raw cotton (whether ginned or unginne), sugar-cane and any other commodity to which the Central Government may, by notified order, declare this section to apply.

(2) If the Central Government is of opinion that it is necessary or expedient so to do for securing the equitable distribution and availability at fair prices of any commodity to which this section applies, it may, by notified order, provide for regulating by licences, permits or otherwise inter-State trade and commerce in any such commodity, and the notified order may prescribe forms and conditions of licences or permits for regulating such

trade and commerce, the authorities by which such licences or permits may be granted, the fees that may be charged therefor and any other matter required to render effective the control over such trade and commerce.

5. Imposition of duties on State Governments, etc.—An order made under section 3 or section 4 may confer powers and impose duties upon the Central Government or the State Government or officers and authorities of the Central Government or State Government, and may contain directions to any State Government or to officers and authorities thereof as to the exercise of any such powers or the discharge of any such duties.

6. Delegation of powers.—The Central Government may, by notified order, direct that the power to make orders under section 3 shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by—

- (a) such officer or authority subordinate to the Central Government, or
- (b) such State Government or such officer or authority subordinate to a State Government, as may be specified in the direction.

7. Effect of orders inconsistent with other enactments.—Any order made under section 3 or section 4 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance or any instrument having effect by virtue of any enactment other than this Ordinance.

8. Penalties.—(1) If any person contravenes any order made under this Ordinance,—

- (a) he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine;

Provided that if the court is of opinion that a sentence of fine only will meet the ends of justice, it may, for reasons to be recorded, refrain from imposing a sentence of imprisonment; and

- (b) any property in respect of which the order has been contravened or such part thereof as to the court may seem fit shall be forfeited to the Government:

Provided that if the court is of opinion that it is not necessary to direct forfeiture in respect of the whole or, as the case may be, any part of the property, it may, for reasons to be recorded, refrain from doing so.

- (2) If any person to whom a direction is given under sub-section (4) of section 3 fails to comply with the direction he shall be punishable with imprisonment for a term which may

extend to three years, or with fine, or with both.

9. False statements.—If any person,—

- (i) when required by any order under this Ordinance to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or
- (ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish,

he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

10. Offences by companies.—(1) If the person contravening an order under section 3 or section 4 is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this subsection shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section

- (a) 'company' means any body corporate, and includes a firm or other association of individuals; and
- (b) 'director' in relation to a firm means a partner in the firm.

11. Cognizance of offences.—No court shall take cognizance of any offence punishable under this Ordinance except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code (Act XLV of 1860).

12. Special provision regarding fine.—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (Act V of 1898), it shall be lawful for any magistrate of the first class specially empowered by the State Government in this behalf and for any presidency magistrate to pass a sentence of fine exceeding one thousand rupees on any person convicted of contravening any order made under section 3 or section 4.

13. Presumption as to orders.—Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Ordinance, a court shall presume that such order was so made by that authority within the meaning of the Indian Evidence Act, 1872 (I of 1872).

14. Burden of proof in certain cases.—Where a person is prosecuted for contravening any order under section 3 or section 4 which prohibits him from doing any act or being in possession of a thing without lawful authority or without a permit, licence or other document, the burden of proving that he has such authority, permit, licence or other document shall be on him.

15. Protection of action taken under Ordinance.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order under section 3 or section 4.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order under section 3 or section 4.

16. Savings.—Any order made or deemed to be made under the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), and in force immediately before the commencement of this Ordinance shall, in so far as such order may be made under this Ordinance, be deemed to be made under this Ordinance and continue in force, and accordingly any appointment made, licence or permit granted or direction issued under any such order and in force immediately before such commencement shall continue in force unless and until it is superseded by any appointment made, licence or permit granted or direction issued under this Ordinance.

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

CHET RAM,
Assistant Secretary (Judicial).

**भाग 7—भारतीय निर्वाचन-आयोग (Election Commission of India) की वैधानिक अधिसूचनाएँ
तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएँ।**

शहर

अनुप्रक

शहर